

110TH CONGRESS  
1ST SESSION

# H. R. 2631

To strengthen efforts in the Department of Homeland Security to develop nuclear forensics capabilities to permit attribution of the source of nuclear material.

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## IN THE HOUSE OF REPRESENTATIVES

JUNE 7, 2007

Mr. SCHIFF (for himself, Mr. LANGEVIN, Mr. ISRAEL, Mr. SHAYS, and Mr. THORNBERRY) introduced the following bill; which was referred to the Committee on Homeland Security, and in addition to the Committee on Foreign Affairs, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned

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## A BILL

To strengthen efforts in the Department of Homeland Security to develop nuclear forensics capabilities to permit attribution of the source of nuclear material.

1 *Be it enacted by the Senate and House of Representa-*  
2 *tives of the United States of America in Congress assembled,*

### 3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Nuclear Forensics and  
5 Attribution Act”.

### 6 **SEC. 2. FINDINGS.**

7 Congress finds the following:

1           (1) The threat of a nuclear terrorist attack on  
2     American soil is possibly the most serious threat to  
3     the national security of the United States. In the  
4     wake of an attack, attribution of responsibility would  
5     be of utmost importance. Because of the destructive  
6     power of the weapon, there could be little forensic  
7     evidence except the radioactive material in the bomb  
8     itself.

9           (2) Through advanced nuclear forensics, using  
10    both existing techniques and those under develop-  
11    ment, it may be possible to identify the origin of a  
12    weapon or material after it is detonated. Though  
13    identifying intercepted smuggled material is now  
14    possible in some cases, post-detonation forensics is a  
15    relatively undeveloped field. In addition, the pres-  
16    sures and time constraints of performing forensics  
17    after a nuclear detonation would make attribution  
18    difficult.

19          (3) A robust and well-known capability to iden-  
20    tify the source of nuclear material used in an act of  
21    nuclear terror could also deter prospective  
22    proliferators.

23          (4) In order to identify materials confidently, it  
24    is necessary to match them against samples of mate-  
25    rial from reactors, weapons, and enrichment facili-

1       ties around the world. Some of these samples are  
2       available to the International Atomic Energy Agency  
3       through safeguards agreements, and some countries  
4       maintain internal sample databases. Access to sam-  
5       ples in many countries is limited by national security  
6       concerns.

7               (5) In order to create a sufficient deterrent, it  
8       is necessary to have the capability to positively iden-  
9       tify the source of nuclear material, and potential  
10      traffickers in nuclear material must be aware of that  
11      capability. International cooperation is desirable and  
12      may be essential to catalogue all existing sources of  
13      nuclear material.

14 **SEC. 3. SENSE OF CONGRESS ON INTERNATIONAL ATTRI-**  
15 **BUTION AGREEMENTS.**

16      It is the sense of the Congress that the President  
17      should—

18               (1) pursue international agreements, both bilat-  
19      eral and multilateral, to establish an international  
20      framework for determining the source of any con-  
21      fiscated nuclear material or weapon, as well as the  
22      source of any detonated weapon and the nuclear ma-  
23      terial used in such a weapon;

24               (2) develop protocols for the dissemination of  
25      sensitive information relating to nuclear materials

1 and samples of controlled nuclear materials, to the  
2 extent required by the agreements entered into  
3 under paragraph (1); and

4 (3) develop expedited protocols for the dissemi-  
5 nation of sensitive information needed to publicly  
6 identify the source of a nuclear detonation.

7 **SEC. 4. RESPONSIBILITIES OF SECRETARY OF HOMELAND**  
8 **SECURITY.**

9 (a) Section 1802(a) of the Homeland Security Act of  
10 2002 (as added by Public Law 107–296; 6 U.S.C. 592)  
11 is amended—

12 (1) in paragraph (9), by striking “and” after  
13 the semicolon;

14 (2) by redesignating paragraph (10) as para-  
15 graph (11); and

16 (3) by inserting after paragraph (9) the fol-  
17 lowing:

18 “(10) develop with the approval of the Sec-  
19 retary and in coordination with the heads of appro-  
20 priate departments and agencies, methods to at-  
21 tribute nuclear or radiological material to its source  
22 when such material is intercepted by the United  
23 States, foreign governments, or international bodies  
24 or dispersed in the course of a nuclear terrorist at-  
25 tack or other nuclear or radiological explosion; and”.

1       (b) AUTHORIZATION OF APPROPRIATIONS.—There is  
2 authorized to be appropriated the sum of \$20,000,000 for  
3 each of the fiscal years 2008, 2009, and 2010 to carry  
4 out section 1802(a)(10) of the Homeland Security Act of  
5 2002, as added by subsection (a) of this section.

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